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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,604	06/25/2003	Rod Taylor	14795-US	1474

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EXAMINER

PALMER, PHAN T H


ART UNIT

PAPER NUMBER

2874

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s) 	
	10/602,604	TAYLOR ET AL.	
	Examiner	Art Unit	
	PHAN T.H. PALMER	2874	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) 11,28-40 and 43-58 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10,12-27,41 and 42 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

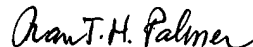
Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.



PHAN T. H. PALMER
PRIMARY EXAMINER

03/19/2005

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's cooperation is requested in correcting any error of which applicant may become aware in the specification.

Response to Election

2. Applicant's election of Group I, claims 1-10, 17-27, and 41-42 in the reply filed on 02/25/2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

The claims 12-16 have been included in the Group I.

The claims 28-40, drawn to a method of making a probe.

The claims 43 and 44, drawn to an apparatus for analyzing microscopic quantities.

Information Disclosure Statement

3. The information disclosure statement submitted on 09/30/2003, has been considered by the examiner and made of record. See attached form PTO-1449.

Drawings

4. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because figures 1, 2a, 2b, 3, 5, 6, 7, 8a, and 8b is too dark cannot see the number or the lines, the figure..... Applicant is advised to employ

the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Objections

5. Claim 17 is objected to because of the following informalities: in line 2, "an optical fiber" should be changed to --an optical fiber probe--. Appropriate correction is required.

Allowable Subject Matter

6. The following is an examiner's statement of reasons for allowance: the claims are allowable over prior art of record, because none of the references alone or in combination discloses: a method of manipulating a microscopic quantity of material (as disclosed in claim 1), a probe for manipulating small quantities of material (as disclosed in claim 17), and a method of inserting a small quantity of material into a cell (as disclosed in claim 41). All claims 1, 17, and 41 disclose the limitations an optical fiber probe having a tip with a hole fabricated therein, said hole being sufficiently small and sufficiently deep that upon immersion of said tip in said material a virtual seal forms to inhibit penetration of said material into said hole; and sending laser radiation through said optical fiber probe to disrupt said virtual seal and thereby promote entry of said material into said hole.

The underline limitations is critically, since the optical fiber probe is improved: avoid the trapping and manipulation of tiny particles such as cells and their transfer to a desired location; more easily permit entry of material into the hole; and the probe tip to penetrate into a cell without damaging it.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

CONCLUSION

7. This application is in condition for allowance except for the presence of claims 11, 28-40, and 43-58 to an invention non-elected with traverse in the reply filed on 02/25/2005. Applicant is given ONE MONTH or THIRTY DAYS from the date of this letter, whichever is longer, to cancel the noted claims or take other appropriate action (37 CFR 1.144). Failure to take action during this period will be treated as authorization to cancel the noted claims by Examiner's Amendment and pass the case to issue. Extensions of time under 37 CFR 1.136(a) will not be permitted since this application will be passed to issue.

The prosecution of this case is closed except for consideration of the above matter.

CONTACT INFORMATION

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHAN T.H. PALMER whose telephone number is (571) 272-2354. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RODNEY B. BOVERNICK can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PTHP
03/19/2005


PHAN T. H. PALMER
PRIMARY EXAMINER